

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALI MUGALLI HASSAN,

Defendant.

Case No. 18-cr-00219-PJH-1

**ORDER DENYING MOTION FOR
RELEASE ON BOND**

Re: Dkt. No. 262

Defendant Ali Mugalli Hassan has filed a motion for release on bond pending appeal, or in the alternative, to extend the time for self-surrender. See Dkt. 262. Defendant argues that the requested relief is warranted under 18 U.S.C. § 3143(b)(1), which provides that release pending appeal is proper where, among other requirements, the appeal “raises a substantial question of law or fact” likely to result in reversal, a new trial, or a modified sentence. See 18 U.S.C. § 3143(b)(1)(B).

The government opposes defendant’s motion, arguing that he has presented no basis for the court to conclude that the appeal raises a “substantial question” as required by section 3143. See Dkt. 263 at 3. The government also argues that, to the extent that defendant seeks an extension of the self-surrender deadline to prepare himself and his family for incarceration, defendant has already had eight months in which to do so. Id.

The court concludes that defendant has not identified a substantial question of fact or law as required by section 3143. Defendant’s motion argues that his appeal plans to challenge the sufficiency of the evidence supporting his conviction, but that argument is not compelling given the trial record in this case. Accordingly, defendant’s motion for

release on bond pending appeal is DENIED, and his alternative request to extend the self-surrender date is also DENIED.

IT IS SO ORDERED.

Dated: March 7, 2023

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge

United States District Court
Northern District of California